IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4053 of 2005

Between:

D. Damodar S/o. D. Yadaiah
R/o. Pravathapur Village,, 1-28, Ghatkesar Mandal, R.R. District.

... PETITIONER

AND

1 District Collector, Ranga Reddy Khairatabad, Hyderabad.
2 The Mandal Revenue Officer, Ghatkesar Mandal, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd Respondent in not issuing the Legal Heir Certificate to the Petitioner basing on the Representation made by him dt. 3-9-2002 as Legal Representatives of deceased D. Ramaiah who was the protected tenant of the land admeasuring AC. 10-24 Guntus comprised in Sy.No. 29 of Parvathapur Village, Ghatkesar Mandal, R.R. District, as illegal, arbitrary, and consequently direct the respondents to issue Legal Heir Certificate basing on the Letter dt. 28-9-2002 of the Sarpnch, Panchayat Secretary (E.O) and Village elders of Parvathapur Village, Ghatkesar Mandal, R.R. DIstrict, forthwith, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.Y.SUBBHA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

Petitioner seeks a writ of Mandamus declaring the action of the second respondent-Mandal Revenue Officer in not issuing the legal heir certificate on the basis of the application made by him on 03-09-2002 as arbitrary and illegal.

The petitioner states that he made an application before the second respondent on 03-09-2002 requesting to declare him as the legal heir of the protected tenant under Section 40 of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950. The said application was received in the office of the second respondent on the same day. In pursuance thereof, the second respondent by notification dated 11-09-2002 invited objections from all the concerned. The grievance of the petitioner is that thereafter no further steps have been taken nor any orders are passed, so far.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents, without expressing any opinion on merits the writ petition is disposed of with a direction to the second respondent-Mandal Revenue Officer to consider the representation of the petitioner dated 03-09-2002 and pass appropriate orders, in accordance with law, if not already passed, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 03-03-2005

LSK

ASSISTANT REGISTRAR

To

1 District Collector, Ranga Reddy Khairatabad, Hyderabad.
2 The Mandal Revenue Officer, Ghatkesar Mandal, Ranga Reddy District.

3 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad.

(O.U.T.)

4 Two C.D. copies.